

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 34 OF 2006

IN

FAMILY COURT APPEAL NO. 78 OF 2005

Mrunalini Datta Sagare

... Applicant

V/s.

Datta Rajaram Sagare
Respondent

...

Mr. P.D. Dalvi for the Applicant

Mr. B.A. Walimbe for the Respondent.

CORAM: J.N. PATEL AND

A.A. SAYED, JJ.

DATE: SEPTEMBER 4, 2007

P.C.:-

1. Heard.
2. This is an application by the wife seeking maintenance *pendente lite* in the sum of Rs.15,000/- per month for herself and her daughter, Meera @ Mayuri, who is about 11 years' old, and prosecuting her studies in 4th standard.

3. The learned counsel appearing for the appellant-husband submits that the appellant-husband is ready to take back the wife and their daughter, and withdraw the appeal. In the alternative, he is ready to offer a one-time settlement, by way of permanent alimony to the wife and daughter, if the parties go for divorce by mutual consent, and further, would take care of the education of the daughter and her marriage. The father has already taken out an insurance policy for the daughter, which would mature at the age of 18 years, to enable the couple to meet her marriage expenses.

4. It is submitted that the take-home salary of the appellant-husband is Rs.8,000/- per month. This is refuted by the learned counsel appearing for the wife, who has placed before us a copy of the pay-slip of July, 2004. It shows that the appellant-husband was drawing, in July, 2004, a sum of Rs.33,770/- by way of his salary, and the net salary, after all deductions, came to Rs.14,072/-. This is not contested by the appellant-husband.

5. The appellant-husband has not produced before this Court the current pay-slip. Therefore, we find that taking into consideration the general level of price, a sum of Rs.10,000/- per month would sufficiently meet the bare necessities of the respondent-wife and the child, like food, shelter, clothing, medical expenses and expenses for education of the child. This Court has taken note of the contention made by the learned counsel for the appellant-husband that the wife is working as a Lecturer and drawing Rs.5,000/- per month, and the application of the wife for interim maintenance is for a sum of Rs.15,000/-. This Court grants Rs.10,000/- per month.

6. Therefore, we direct the appellant-husband to pay a sum of Rs.10,000/- (Rupees Ten Thousand) per month from the date of this application, i.e., commencing from the month of September, 2005, until further orders. The appellant-husband would pay the maintenance for the current month, i.e., September,

2007, on or before 10th September, 2007, and would continue to pay either by depositing in this Court or directly remitting the amount to the respondent-wife on or before 10th of each month. So far as the arrears of maintenance are concerned, all arrears should be paid on or before 10th of December, 2007. On failure of the appellant-husband to pay the maintenance as directed by this Court, the respondent-wife would be at liberty to get the order executed through this Court.

7. Civil Application stands disposed of accordingly.

J.N. PATEL, J.

A.A. SAYED, J.